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PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
05-10022

First named inventor: Randi L. Schindler (now Randi L. Black)

Application No.: 09/152,992

Art Unit: 3733

Filed: Sept. 14, 1998

Examiner: Brown, Michael A.

Title: PROSTHETIC DEVICE

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

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**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 750.000 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
 Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Renewed Pet to Revive Unintentionally Abandoned Appl. & Ver Res (identify type of reply):

has been filed previously on March 28, 2005 | 11/01/2005 NNGUYEN1 00000010 09152992  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453 750.00 OP  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

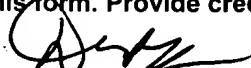
## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



Signature



Date

David L. Hoffman

32,469

Typed or printed name

Registration Number, if applicable

27023 McBean Pkwy., Ste. 422

(661) 775-0300

Address

Telephone Number

Valencia, CA 91355

Address

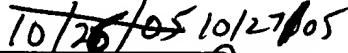
Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Petition to Change Name of Inventor

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

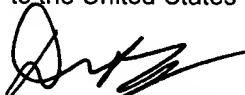
I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.



Date

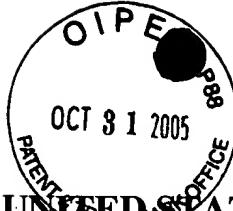


Signature

David L. Hoffman

Typed or printed name of person signing certificate

PATENT  
05-10022



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

Randi L. Black (previously Randi L. Schindler)

Serial Number: 09/152,992

Examiner: Brown, Michael A.

Filed: 9/14/1998

Art Unit: 3733

For: PROSTHETIC DEVICE

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
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**OFFICE OF PETITIONS**

**COMPINED RENEWED PETITION TO REVIVE  
UNINTENTIONALLY ABANDONED APPLICATION AND  
PETITION TO COMMISSIONER FOR NAME CHANGE OF  
INVENTOR**

Dear Sir or Madam:

Further to the previously filed petition to revive, please note the following:

The inventor Ms. Randi L. Black (Ms. Schindler), whose declaration has been submitted ("Black Decl."), now also submits a Declaration and this Petition to Change the name of the inventor from her maiden name Ms. Schindler to her married name Ms. Black. The Declaration explains that marriage is how the name was officially changed. An Application Data Sheet and the fee of \$130 are also submitted herewith.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

In addition, enclosed is a Petition and Petition fee, as requested by the Petitions Branch, to revive the unintentionally abandoned application.

Application No. 09/152,992

Combined Renewed Petition to Revive Unintentionally Abandoned  
Application and Petition to Commissioner for Name Change of Inventor

Upon revival of the subject application, processing of the CPA and preliminary amendment are respectfully requested.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

LAW OFFICES OF DAVID L. HOFFMAN

Date: October 27, 2005

  
\_\_\_\_\_  
David L. Hoffman  
Reg. No. 32,469

Encls.

LAW OFFICES OF DAVID L. HOFFMAN  
27023 McBean Parkway, Ste. 422  
Valencia, CA 91355  
Tel: (661) 775-0300  
Fax: (661) 259-1255

Application No. 09/152,992

Combined Renewed Petition to Revive Unintentionally Abandoned  
Application and Petition to Commissioner for Name Change of Inventor



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States  
Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents  
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Alexandria, VA 22313-1450

on

10/27/05

10/27/05

David L. Hoffman, Reg. No. 32,469

Date